

**CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL
Council Chambers
310 N. 4th Street**

6:00 P.M.

ACTION AGENDA

Monday, May 3, 2010

REGULAR MEETING

CALL TO ORDER & ROLL CALL – COUNCILMEMBER WALKER ABSENT

INVOCATION will be given by Pastor Norm Taylor of the Hilltop Foursquare Church

PLEDGE OF ALLEGIANCE

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. APPROVAL OF MINUTES

The Work Session Meeting minutes of April 12, 2010 and the Regular Meeting minutes of April 19, 2010 **MOTION TO APPROVE WORK SESSION MEETING MINUTES WITH CORRECTIONS AND REGULAR MEETING MINUTES AS WRITTEN APPROVED BY A VOTE OF 6-0**

2. APPOINTMENTS

Clean City Commission (CCC) Appointment Recommendation

At this time there is one vacancy on the Kingman CCC. This term expires on December 11, 2011. At the April 15, 2010 CCC meeting the commissioners reviewed one current Boards and Commissions application from Janice L. Palmer. Ms. Palmer lives within the city limits of Kingman. Ms. Palmer attended the CCC meeting and expressed her interest in serving on the commission. The commissioners voted unanimously to recommend the appointment of Ms. Palmer to the CCC. No other recommendations were made at this time. **Staff recommends approving the appointment of Janice L. Palmer to a term on the CCC ending in December 2011. MOTION TO APPOINT JANICE L. PALMER TO A TERM ON THE CCC APPROVED BY A VOTE OF 6-0.**

3. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments should be limited to no longer than 3 minutes.

4. CONSENT AGENDA

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

a. Application for Special Event Liquor License

Agent and applicant David Lorion of the Loyal Order of Moose has applied for a Special Event Liquor License for the Lodge Picnic to be held on June 6, 2010, from 7:00 a.m. to 4:00 p.m. at

Cecil Davis Park in Kingman. **Staff recommends approval of the Special Event Liquor License for the Lodge Picnic.**

b. Resolution No. 4680 – Development Investment Fee Study (DIF) Deferment

The City Code requires a DIF fee study to be done no later than every 5 years. The Arizona legislature passed legislation, section 28 of HB2008, which prohibits the Cities of Arizona from increasing their DIFs until June 30th, 2011. The City Council has directed staff to draft a resolution to postpone that requirement. **Staff recommends approval of Resolution No. 4680.**

c. Resolution No. 4679 – Water Service to Un-subdivided Parcel 310-21-061 for Lingenfelter Investments, ENG10-007

On April 22, 2010, the Municipal Utility Commission reviewed a request from Lingenfelter Investments for water service to an unsubdivided parcel identified as Tax Parcel 310-21-061. This parcel is located at Highway 66 and Long Mountain Road which is outside the City Limits but within the Water Service Boundary. This request is for water service for a commercial development on the 1.15 acre property. Resolution No. 4679 grants water service to the subject parcel. The Commission voted 7-0 to recommend approval of water service to this property. **Staff recommends approval of Resolution No. 4679.**

d. Resolution No. 4678 – Water Service To Long Mountain Business Park, Tract 3834, ENG10-005

On April 22, 2010, the Municipal Utility Commission reviewed a request from Lingenfelter Investments for water service to a subdivision known as Long Mountain Business Park, Tract 3834. This subdivision is located west of Highway 66 and north of Thompson Avenue. It is outside the City Limits but within the Water Service Boundary. This subdivision will create up to 15 commercial lots from tax parcels 310-21-073, 310-34-084, 310-39-108 and 310-38-001. Final lot lines are determined at the time of development and the zoning requires that each lot be a minimum of 1 acre in size. The Municipal Utility Commission recommends approval of this request with the following conditions: (1) That site plans showing access and final lot lines be submitted to the City for each water meter request, and (2) that fire hydrants be located and installed at the time of development in accordance with the Kingman Fire Department and the Utility Regulations. Resolution No. 4678 grants water service to Long Mountain Business Park, Tract 3834 with the above noted conditions. The Commission voted 7-0 to recommend approval of water service to Long Mountain Business Park, Tract 3834 with the above noted conditions. **Staff recommends approval of Resolution No. 4678.**

e. Award of Bid for July 4th 2010 Fireworks and Fairgrounds Use Agreement

The Fire Department solicited vendors to propose a shell count and program sequence for the fireworks display for the budgeted amount of \$22,000. One vendor, Red Eye Fireworks, sent a letter to state that they would not be submitting a proposal for this year's program. Lantis Productions, the sole respondent to submit a proposal after our request for bids, submitted a quote for a program sequence that is appropriate for the show. They quoted three options and the fire department would recommend option C with a total shell count of 980 as the most well rounded option proposed. Lantis has a safe track record and has performed well for the City of Kingman over the last 12 years. The program proposal and contract are attached for your review. Appropriate insurance coverage as designated in the proposal will be provided by the vendor and approved by the City Risk Manager. The contract for this year was modeled after last year's contract which was reviewed and approved by the City Attorney. The show

location will be the Mohave County Fairgrounds. The Mohave County Fair Association worked well with the fire department and vendor staff to provide a safe and central location for events in the past. A facilities use agreement is required for use of the facility. **Staff recommends awarding the July 4th, 2010 fireworks show to Lantis Productions in the Amount of \$22,000 and authorizing the Mayor to sign the contract with Lantis Productions and authorize the Fire Chief to sign the Facilities Rental Agreement with the Mohave County Fair Association for use of the Fairgrounds.**

f. Fire Hydrant Maintenance Agreement with Northern Arizona Consolidated Fire District #1

The Kingman Fire Department has been providing hydrant maintenance for the fire hydrants located in the Northern Arizona Consolidated Fire District #1, on the City water system for some time for a set fee. The previous two year contract will expire on June 30, 2010. A copy of the proposed agreement for another two year term is attached. The agreement outlines a fee and payment schedule for the period of July 1, 2010 through June 30, 2012. The total fee for the first year is \$11,152 and \$11,264 for the second year. The intergovernmental agreement was drafted by joint efforts of the Kingman Fire Department staff and the City Attorney. **Staff recommends that Council approve the fire hydrant maintenance agreement with the Northern Arizona Consolidated Fire District #1.**

MOTION TO APPROVE CONSENT AGENDA, WITH THE EXCEPTION OF ITEMB AND F APPROVED BY A VOTE OF 6-0. CONSENT AGENDA ITEM B APPROVED BY A VOTE OF 6-0. CONSENT AGENDA ITEM F APPROVED BY A VOTE OF 6-0.

5. OLD BUSINESS

- a. Public Hearing on Proposed Annexation 2010-001, proposed on 1,762.85 acres of land in Mohave County, Arizona, described as all of Section 1, and all of Section 12, and the Easterly 3,968 feet of Section 13, all located within Township 21 North, Range 16 West, of the Gila and Salt River Base and Meridian. The Property in Question is Generally Located North of Interstate Highway 40 and South of the Kingman Airport Property, Along the Alignment of Gordon Drive, Except for the Portion of BLM Section 13 lying South of I-40.** The City of Kingman initiated a proposed annexation mostly north of I-40 in an area east of the proposed Rattlesnake Wash interchange. The property in question is generally located north of Interstate Highway 40 and south of the Kingman Airport property, along the alignment of Gordon Drive, except for the portion of BLM Section 13 lying south of I-40. At the current time the property is mostly undeveloped, except for a couple of houses in various states of construction, and some gravel operations. There are no water lines currently available for extensions, and the area is outside current pressure zones. There are no sewer lines currently serving the area either. The closest sewer line is about 1.5 miles away. Airway Avenue to the area is not improved. There is some illegal dumping occurring in this unincorporated area, but not to the extent of the area to the west. Currently fire service into the area would be from Station 4 on Eastern and Karen or via the Airway underpass. This public hearing is to hear any public or property owner comments on the proposal. Arizona Revised Statutes require a public hearing be held to hear comments and issues regarding a proposed annexation. After the public hearing is

held, property owners in the area could sign a petition. In accordance with the law a blank petition was filed with the County Recorder, notices sent to the County and to all property owners of record, a notice was placed in the newspaper, and the area was posted in three places. After the Council public hearing, the City would have one year to collect signatures that represent 51% of the property owners in the area by number of owners and they must represent 51% of the valuation in the area. **Staff recommends that Council authorize the annexation effort go forward.**

MOTION TO APPROVE WAS PASSED BY A VOTE OF 4-0 WITH TWO RECUSALS

b. Resolution No. 4677 – Adoption of the Fiscal 2011 Tentative Budget

The Tentative Budget as presented includes changes recommended at the special budget work session April 12, 2010. Additional modifications made to the Tentative Budget tonight will be incorporated into the Final Budget scheduled to be adopted by the Council in two weeks, on May 17, 2010. The Tentative Budget sets a ceiling on appropriations. This essentially means the Final Budget adopted May 17, 2010 can meet but not exceed the amounts adopted with this resolution. The Tentative Budget is within the State Expenditure Limitation as modified by the Home Rule Option. The final budget document and capital improvements plan document will be prepared and distributed after adoption of the Final Budget. **Staff recommends Council adopt Resolution No. 4677 thereby adopting the City's Tentative Budget for fiscal year 2010-2011.**

MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0

c. Consideration of an Annexation Plan for the west side of Bank Street from Gordon Drive to Northern Avenue and Section 32, T 22 N, R16W, G&SR Meridian

The City Council asked staff to analyze the possible annexation of Section 32, Township 22 North, Range 16 West, of the Gila and Salt River Meridian, which is located north of Gordon Drive, east of Bank Street, south of Northern Avenue, and west of Castle Rock Road in Mohave County, Arizona, plus the properties bordering along the west side of Bank Street from Gordon Avenue to Northern Avenue. There are 33 property owners along the west side of Bank Street. In order to annex property, a municipality must secure the approval of the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property that would be subject to taxation by the city or town in the event of annexation, as shown by the last assessment of the property. There are 25 separate property owners, some in joint tenancy, which total 33 property owners in the area considered for annexation. **Staff recommends that Council does not annex Section 32 and the west side of Bank Street from Gordon Drive to Northern Avenue.**

MOTION TO NOT PROCEED WITH ANNEXATION WAS APPROVED BY A VOTE OF 5-1.

6. NEW BUSINESS

Resolution No. 4676 – Setting the Time and Place for the Mayor and Council to Conduct a Public Hearing for Approval of the Assessments, Construction and Proceedings of the Kingman Airport Tract/Banks Airport Addition Improvement District

Resolution 4676 establishes June 21, 2010 as the date for the Mayor and Council to conduct a public

hearing on the assessments, construction and proceedings in regard to the Kingman Airport Tract/Banks Airport. This improvement district includes assessments for the improvement of portions of the general area between Airway and Kino, from Lomita to Roosevelt for the purpose of constructing paved streets, concrete curbs, gutters and sidewalks; valley gutters and aprons; water mains and service lines; and sewer mains and service lines together with all necessary adjuncts and appurtenances in and to those lots within the District boundary which do not currently have such improvements; and the installation of conduits for future utility services for telephone, cable, electric and gas collectively, as initiated by Resolution No. 4401R adopted by the Mayor and Council on February 20, 2007. **Staff recommends Council approve Resolution 4676 setting June 21, 2010 at 6:00 p.m. in the City Council Chambers, 310 N. 4th Street, Kingman, Arizona as the time and place for the public hearing on the final assessments and proceedings of the Kingman Airport Tract/Banks Airport Addition Improvement District.**

MOTION TO APPROVE WAS PASSED BY A VOTE OF 6-0.

7. **ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER**
If needed

ADJOURNMENT

Posted _____ by _____